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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,301	01/16/2001	Ronald P. Schmidt	LOCK1880	3846

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EXAMINER
GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
1733	10

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

mk.10

Office Action Summary	Application No. 09/761,301	Applicant(s)	
	Examiner	Group Art Unit	

—The MAILING DATE of this communication appears on th cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) 1-4, 10, 12-13, 15-24, 26-34, 38-39 and 42-45 is/are pending in the application.

Of the above claim(s) 1-4, 10, 12, 33-34 and 42 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) 13, 15-24, 26-32, 38-39, 42-43 and 45 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☑ Claim(s) 1-4, 10, 12-13, 15-24, 26-34, 38-39 and 42-45 are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)–(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)–(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

☑ Information Disclosure Stat ment(s), PTO–1449, Paper No(s). 9

☐ Intervi w Summary, PTO–413

☑ Notice of Ref rence(s) Cited, PTO–892

☐ Notice of Informal Pat nt Application, PTO–152

☑ Notice of Draftsperson's Pat nt Drawing Review, PTO–948

☑ Other FOREIGN REFERENCE

Office Action Summary

1. Applicant's Preliminary Amendments (2), filed 31 August 2001 and 29 January 2002, have both been received and made of record.

2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-4, 10, 12, 33-35 and 44, drawn to a 3-D woven textile preform, classified in Classes 428 and 442, respectively subclasses 345 and 286, respectively.

II. Claims 13, 15-24, 26-32, 38-39, 42-43 and 45, drawn to a bonding process, classified in Class 156, subclass 306.9 or 313.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method can be used to make laminated structures having non-woven, honeycomb or foam layers.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as

shown by their different classifications, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Mr. Michael Alford on 13 August 2002 (call made by Examiner L. Salvatore, Art Unit 1771) a provisional election was made WITH traverse to prosecute the invention of Group II, claims 13, 15-24, 26-32, 38-39, 42-43 and 45. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-4, 10, 12, 33-35 and 44 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Before proceeding further, it is unclear whether applicant's intent is to have claims 27-31 depend from claim 26 as now presented OR to depend instead from claim 24 i.e. analogous to claims 18-19 depending from claim 16 rather than from claim 17.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one

> year prior to the date of application for patent in the United States.

9. Claims 13, 15-16, 19-20, 23-25, 32 and 45 are rejected under 35 U.S.C. § 102(b) as being (clearly) anticipated by Rees et al.

Rees et al. disclose that it is known to form an adhesively bonded joint among component parts (of an e.g. aircraft wing) via a process wherein two fully cured FRP moldings are laminated together via the interposition therebetween of a COMBINATION of an uncured thermosetting resin impregnated (e.g. woven) fibrous material (i.e. cloth or fabric) AND (preformed) adhesive film i.e. (stated somewhat differently) wherein two cured FRP moldings are adhered to the SAME interposed uncured resin impregnated fibrous material utilizing (preformed) adhesive films. (Fig. 2, column 1 line 52 thru column 2 line 5, column 2 lines 8-43 (and N.B. lines 40-43), column 3 lines 27-52 (and N.B. lines 38-43)). All of the essential limitations of these claims are seen to be satisfied by this reference.

10. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 17, 21-22 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rees et al. in view of Scott.

Scott discloses that it is known to employ an (e.g. rubber) sheet for the purpose of equalizing the pressure applied (i.e. uniform pressure application) to a press charge during a lamination process involving the cure of a thermosetting resin adhesive (Fig. 2, column 2 lines 38-41, column 3 line 68 thru column 4 line 18 (and N.B. column 4 lines 16-18)), such that it would have been obvious to one of ordinary skill in this art to employ such a conventional pressure equalizing element for this its documented beneficial function and result in/in conjunction with the process of Rees et al., wherever deemed desirable and/or necessary.

12. Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rees et al. in view of Bascom et al.

Bascom et al. disclose that it is known to employ a vacuum in/in conjunction with a lamination process (involving the cure of a thermosetting resin adhesive film) in order to effect and obtain an improved (viz. void-free) bond (Abstract, page 1 lines 2-11 and 18-30, page 2 lines 4-5 and 17-18), such that it would have been obvious to one of ordinary skill in this art to employ such a conventional vacuum technique for its documented

beneficial function and result in/in conjunction with the process of Rees et al., wherever deemed desirable and/or necessary.

13. Claims 38-39 and 42-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rees et al. The specific shape that the uncured thermosetting resin impregnated fibrous bonding element takes is seen to be (a) dependent upon the shape of the substrates to be joined, the final desired structural configuration of the composite laminate produced etc.; and (b) therefore well within the purview of those of ordinary skill in this art to determine and employ in order to effect and achieve the desired result viz. adhesive bonding or lamination; further along this line, it is noted that changes in size or shape, without ~~a~~ special functional significance, are not patentable. (Research Corp. v. Nasco Industries Inc. 182 USPQ 449).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) ~~305-3599.~~ 872-9310

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

JJGallagher:cdc

September 5, 2002

JOHN J. GALLAGHER
PRIMARY EXAMINER
ART UNIT 1733